
By: **Senator Della**

Introduced and read first time: February 4, 2004

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2004

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City - 46th and 47th Alcoholic Beverages Districts - License**
3 **Issuance, Conversion, and Transfer**

4 FOR the purpose of authorizing the Board of Liquor License Commissioners for
5 Baltimore City to issue a Class B beer, wine and liquor license for use in a
6 restaurant that has a certain capital investment and that exceeds the maximum
7 seating capacity if the premises are located in a certain area and a certain
8 condition is met; allowing a not for profit arts center that is located in a certain
9 district and that holds a Class C license on a certain date to apply to convert
10 that license on or before a certain date into a certain Class B beer, wine and
11 liquor license, notwithstanding certain provisions; providing that certain
12 exceptions to the prohibition against issuing or transferring certain licenses do
13 not apply in certain areas of Baltimore City; making certain technical
14 corrections; and generally relating to the issuance, conversion, and transfer of
15 alcoholic beverages licenses in the 46th and 47th Alcoholic Beverages Districts
16 of Baltimore City.

17 BY repealing and reenacting, without amendments,
18 Article 2B - Alcoholic Beverages
19 Section 6-201(a)(1) and (d)(1)(i) and (iv) and 9-204.1(a)(4), (9), and (10), (b), and
20 (g)
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2003 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article 2B - Alcoholic Beverages
25 Section 6-201(d)(1)(vii) and (viii) and 9-204.1(c) and (e)

1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2003 Supplement)

3 BY adding to
4 Article 2B - Alcoholic Beverages
5 Section 6-201(d)(1)(ix) and (x)
6 Annotated Code of Maryland
7 (2001 Replacement Volume and 2003 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article 2B - Alcoholic Beverages**

11 6-201.

12 (a) (1) A Class B beer, wine and liquor license shall be issued by the license
13 issuing authority of the county in which the place of business is located, and the
14 license authorizes its holder to keep for sale and sell all alcoholic beverages at retail
15 at any hotel or restaurant at the place described, for consumption on the premises or
16 elsewhere, or as provided in this section.

17 (d) (1) (i) This subsection applies only in Baltimore City.

18 (iv) Except for the 47th Alcoholic Beverages District, this license
19 shall be issued in accordance with the provisions of subsection (a) of this section.

20 (vii) In addition to the other requirements provided for in this
21 subsection, in the 46th and 47th Alcoholic Beverages Districts the restaurant shall
22 have a minimum:

23 1. [Capital] EXCEPT AS PROVIDED IN SUBPARAGRAPH (IX)
24 OF THIS PARAGRAPH, CAPITAL investment of \$500,000 for restaurant facilities not
25 including the cost of the land, the building, or improvements that are not to the
26 interior of a building on the licensed premises; and

27 2. Seating capacity of 75 persons, and, EXCEPT AS PROVIDED
28 IN SUBPARAGRAPH (IX) OF THIS PARAGRAPH, a maximum seating capacity of 150
29 persons.

30 (viii) 1. Notwithstanding § 1-102(a)(22)(i)3 of this article AND,
31 EXCEPT AS PROVIDED IN SUBPARAGRAPH (IX) OF THIS PARAGRAPH, for a licensee
32 who is issued a Class B beer, wine and liquor license for use in a restaurant in the
33 46th or 47th Alcoholic Beverages District, the average daily receipts from the sale of
34 food must be at least 51% of the total daily receipts of the restaurant.

35 2. A licensee annually, at the time the license is renewed,
36 shall file with the Board of LIQUOR License Commissioners for Baltimore City a
37 statement of average daily receipts and an affidavit of a licensed certified public

1 accountant that verify that the licensee has met the requirement of
 2 sub-subparagraph 1 of this subparagraph OR SUBPARAGRAPH (IX) OF THIS
 3 PARAGRAPH.

4 3. A license may not be transferred from the location of its
 5 first issuance.

6 4. A license may not be issued for use in an establishment
 7 that is a fast food style restaurant.

8 (IX) THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR
 9 BALTIMORE CITY MAY ISSUE A CLASS B BEER, WINE AND LIQUOR LICENSE FOR USE
 10 IN A RESTAURANT THAT HAS A SEATING CAPACITY EXCEEDING 150 PERSONS IF THE
 11 RESTAURANT:

12 1. IS LOCATED IN WARD 26, PRECINCT 8 OF THE 46TH
 13 ALCOHOLIC BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE COTERMINOUS
 14 WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF
 15 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002;

16 2. HAS A MINIMUM CAPITAL INVESTMENT OF \$700,000; AND

17 3. HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD
 18 THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS.

19 (X) NOTWITHSTANDING ANY RESTRICTION OR REQUIREMENT IN
 20 THIS ARTICLE REGARDING THE ISSUANCE OF CLASS B BEER, WINE AND LIQUOR
 21 LICENSES, A NOT FOR PROFIT ARTS CENTER IN THE HIGHLANDTOWN ARTS AND
 22 ENTERTAINMENT DISTRICT THAT HOLDS A CLASS C LICENSE ON JUNE 1, 2004, MAY
 23 APPLY TO THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY
 24 TO CONVERT THAT LICENSE ON OR BEFORE MAY 31, 2005, INTO A CLASS B BEER, WINE
 25 AND LIQUOR LICENSE.

26 9-204.1.

27 (a) New licenses for the sale of alcoholic beverages may not be issued in:

28 (4) The 46th alcoholic beverages district of Baltimore City consisting of:

29 Baltimore City wards 1 and 2;

30 Ward 3, precinct 3 and part of precinct 1;

31 Ward 6, precincts 1, 6, and 7;

32 Ward 7, precincts 8 and 9; and

33 Ward 26, precincts 1 through 33 and 47 through 51.

34 (9) For Class B licenses only, in the areas of the 47th alcoholic beverages
 35 district covered by:

1 (i) The Key Highway East Industrial Area Urban Renewal Plan, as
2 adopted by the Mayor and City Council of Baltimore City in Ordinance 986 on June
3 29, 1987; and

4 (ii) The Key Highway Urban Renewal Plan, as adopted by the
5 Mayor and City Council of Baltimore City in Ordinance 622 on March 12, 1986.

6 (10) The 47th alcoholic beverages district, as defined in subsection (g) of
7 this section, except for the portion of ward 21, precinct 3, bounded on the southwest
8 by Gwynn Falls to the B&O Railroad; running northeast along the B&O Railroad to
9 Bayard Street; running from that point east along Bayard Street to Washington
10 Boulevard; and south along Washington Boulevard from that point to Gwynn Falls.

11 (b) (1) Except as provided in paragraph (2) of this subsection, licenses for
12 the sale of alcoholic beverages of any class may not be transferred into the areas of
13 Baltimore City covered by this section.

14 (2) A licensed drugstore may transfer the license into the 45th alcoholic
15 beverages district of Baltimore City.

16 (c) (1) Except as provided in PARAGRAPH (2)(I) AND (II) OF THIS
17 SUBSECTION AND subsection (h) of this section, the prohibitions in this section do not
18 apply to special 1-day licenses or to Class B beer, wine and liquor restaurant licenses
19 to bona fide restaurants having:

20 (i) A minimum capital investment, not including the cost of land
21 and building, of:

22 1. \$300,000 for restaurant facilities in the 47th alcoholic
23 beverages district of Baltimore City which consists of:

24 A. Wards 23, 24, and 25 in their entirety;

25 B. Ward 19, precincts 3, 4, and 5;

26 C. Ward 20, precincts 19 and 20;

27 D. Ward 21, precincts 2 and 3; and

28 E. Ward 21, that part of precinct 1 that lies south and west of
29 a line that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt
30 Street; or

31 2. \$200,000 for restaurant facilities in the remainder of
32 Baltimore City, EXCEPT IN WARD 26, PRECINCT 8 UNDER SUBPARAGRAPH (III) OF
33 THIS PARAGRAPH;

34 (ii) A minimum seating capacity of 75 persons;

1 (iii) 1. In the following areas of the 46th alcoholic beverages
2 district, average daily receipts from the sale of food that are at least 51% of the total
3 daily receipts of the restaurant:

4 [1.] A. Ward 1, precincts 2[, 3, 4, and 5] AND 3;

5 [2.] B. Ward 2 in its entirety;

6 [3.] C. Ward 3, precinct 3; and

7 [4.] D. Ward 26, precinct 10; and

8 2. FOR A RESTAURANT IN WARD 26, PRECINCT 8 OF THE 46TH
9 ALCOHOLIC BEVERAGES DISTRICT ~~THAT~~, WHICH AT ALL TIMES SHALL BE
10 COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE
11 DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON
12 JUNE 21, 2002. IF THE RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF
13 \$700,000 AND A SEATING CAPACITY EXCEEDING 150 PERSONS, AVERAGE DAILY
14 RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY
15 RECEIPTS OF THE RESTAURANT; AND

16 (iv) In the 47th alcoholic beverages district, average daily receipts
17 from the sale of food that are at least 51% of the total daily receipts of the restaurant.

18 (2) (I) THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR
19 BALTIMORE CITY MAY NOT ISSUE OR TRANSFER AN ALCOHOLIC BEVERAGES
20 LICENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR USE IN:

21 1. WARD 1, PRECINCT 4 OR 5 OF THE 46TH ALCOHOLIC
22 BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE COTERMINOUS WITH THE
23 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS
24 ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002; OR

25 2. WARD 24, PRECINCT 5 OF THE 47TH ALCOHOLIC
26 BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE COTERMINOUS WITH THE
27 47TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS
28 ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.

29 (II) THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR
30 BALTIMORE CITY MAY NOT TRANSFER AN ALCOHOLIC BEVERAGES LICENSE
31 BETWEEN WARD 1, PRECINCTS 4 AND 5 OF THE 46TH ALCOHOLIC BEVERAGES
32 DISTRICT, WHICH AT ALL TIMES SHALL BE COTERMINOUS WITH THE 46TH
33 LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS
34 ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002, OR WITHIN
35 EITHER OF THOSE PRECINCTS.

36 ~~(H)~~ (III) Additional Baltimore City license privileges for Class B
37 beer, wine and liquor licenses issued in the 47th alcoholic beverages district in
38 Baltimore City are as provided in § 6-201(d) of this article.

1 (e) (1) Except as provided in paragraph (2) of this subsection, a license for
 2 the sale of alcoholic beverages may not be transferred into, or transferred to a
 3 different location within the following areas of the 46th legislative district:

4 (i) Ward 1, precincts 2[, 3, 4, and 5] AND 3;

5 (ii) Ward 2 in its entirety;

6 (iii) Ward 3, precinct 3; and

7 (iv) Ward 26, precinct 10.

8 (2) This subsection does not apply to an application for a new license or
 9 a transfer from within the areas described in paragraph (1) of this subsection if the
 10 new license or transfer is for:

11 (i) A hotel;

12 (ii) An establishment located in a planned unit development if the
 13 application for the planned unit development was filed or approved before December
 14 31, 1995;

15 (iii) An establishment located in an area governed by the Inner
 16 Harbor East Urban Renewal Plan; or

17 (iv) An establishment:

18 1. That has a seating capacity of less than 150 persons at any
 19 one time; or

20 2. In which the average daily receipts from the sale of food
 21 [is] ARE at least 51% of the total daily receipts of the establishment.

22 (g) (1) Notwithstanding any other provision of law to the contrary, a license
 23 for the sale of alcoholic beverages may not be transferred into the 47th alcoholic
 24 beverages district of Baltimore City, which is as follows:

25 (i) Wards 23, 24, and 25 in their entirety;

26 (ii) Ward 19, precincts 3, 4, and 5;

27 (iii) Ward 20, precincts 19 and 20;

28 (iv) Ward 21, precincts 2 and 3; and

29 (v) Ward 21, that part of precinct 1 that lies south and west of a line
 30 that runs along the center of Harbor City Boulevard from Eutaw Street to Pratt
 31 Street.

32 (2) Notwithstanding any other provision of law to the contrary, a Class B
 33 beer, wine and liquor license may not be transferred or downgraded within the 47th

1 alcoholic beverages district of Baltimore City, as described in paragraph (1) of this
2 subsection.

3 (3) Except as provided in subsection (a) of this section, a Class B beer,
4 wine and liquor license may be issued in the 47th alcoholic beverages district.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 June 1, 2004.